

Ref: KON-1707

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: N. Hirose et al. : Art Unit: 1756  
Serial Number : 10/056,577 : Examiner: C. D.  
Filed : January 24, 2002 : Rodee  
Title TONER FOR FORMING :  
ELECTROSTATIC IMAGE :  
:  
:  
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DECLARATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sirs:

I, Hiroshi Yamazaki, hereby declare and say as follows:

1. I am one of the Inventors of the present invention.
2. I received a Masters Degree in Applied Chemistry from Yokohama National University in March 1979, Since April of

1979, I have been employed by Konica Corporation, the Assignee of the present invention. During my employment at Konica, I have engaged in research and development of electrophotographic materials.

3. I am aware that the present invention has been rejected based on Nozawa (US 6,555,281). Tests have been performed and are reported herein to demonstrate that the toner of Nozawa do not inherently contain toner particles less than 5.0% in number having a circle corresponding diameter of from not less than 0.60 to less than 1.00  $\mu\text{m}$ . These tests were performed by myself or under my supervision and control.

4. The toner particles of Example 70 of Nozawa were prepared in accordance with the description of Examples 69-71 in col. 44 of Nozawa. Since Nozawa is silent concerning the type of pulverization device and pneumatic classifier, I type mill IDS-2 was employed as the pulverizer (produced by Nippon Pneumatic Mfg. Co., Ltd.) and Mikroplex 132 MP was employed as the pneumatic classifier (produced by Yaskawa Electric Manufacturing Co., Ltd.). A coarsely crushed melt-kneaded product was finely pulverized using the I type mill IDS-2

pulverizer under compressed air pressure at 6.0 kg/cm<sup>2</sup>G at a feed supply rate of 13 kg/hr. After pulverization, classification was performed using the Mikroplex 132 MP classifier under a rotation rate of 12,000 rpm and a guide vane angle of 7.5°. The prepared toner particles were labeled "Nozawa 2" in the Table, below.

5. The toner of Nozawa 2 was evaluated and the results of the evaluations are shown in the Table, below. The ratio of toner particles having a diameter of 0.60-1.00  $\mu\text{m}$  was measured using the analyzing apparatus FPIA-2000 described at page 11, lines 17-22 of the present invention. SF-1 and SF-2 were measured by observing 100 particles using an electron microscope with a 2000x magnification and analyzing the image as described at page 11, lines 3-11 of the present invention. For Nozawa 2, size distribution N was measured using the COULTER MULTICIZER having the 100  $\mu\text{m}$  aperture described in col. 20 of Nozawa.

Table

	D4 ( $\mu\text{m}$ )	N( $\leq 4\mu\text{m}$ ) %	0.60-1.00 $\mu\text{m}$ (%)	SF-1	SF-2	SF-1/SF-2
Nozawa 2	7.1	8.2	5.8	162	138	1.17

6. As shown in Table, Nozawa 2 prepared in accordance with the teachings of Nozawa had a ratio of toner particles of 5.8%. The ratio is above the range recited in claim 1 of the present invention.

It is declared by undersigned that all statements made herein of undersigned's own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 98 of the U.S. Code; and that such willful false statements may jeopardize the validity of this Application or any patent issuing thereon.

Dated: This 17<sup>th</sup> day of March, 2006.

Hiroshi Yamazaki  
Hiroshi Yamazaki